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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,922

08/29/2002

Larry Hawkins

9D-HL-19723

2345

23465

7590

07/27/2006

EXAMINER

STINSON, FRANKIE L

JOHN S. BEULICK

C/O ARMSTRONG TEASDALE, LLP

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SUITE 2600

ST LOUIS, MO 63102-2740

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,922

Applicant(s)

HAWKINS ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12 and 14-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-12 and 14-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The indicated allowability of claim 3 is withdrawn in view of the newly discovered reference(s) to Japan'085 and Japan'663. Rejections based on the newly cited reference(s) follow.

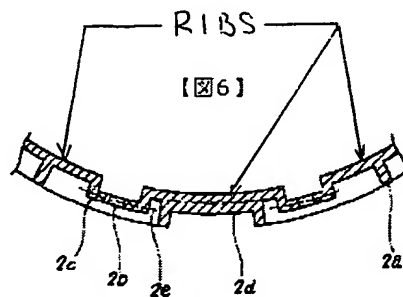
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan'085 (Japan 7-68085) in view of either Japan'663 (Japan 54-102663) or Brucken (U. S. Pat. No. 3,603,118).

Re claims 1, 6, 10, 16 and 19, Japan'085 is cited disclosing a basket for a washing machine said basket comprising:

a substantially cylindrical outer wall (2c) and a plurality of inwardly projecting ribs depending therefrom (see fig. 6 below)



wherein, said outer wall includes a plurality of apertures (2b) there through, said apertures arranged in single vertically aligned columns between adjacent ribs: and

wherein said rib comprises a first side and a second side, said basket further comprising at least one circumferential support band (22a,) extending between said first side and said second side, said band extending from said outer wall that differs from the claims only in the recitation of the ribs having either

a first and second cross section, having a first and second portions, that differ from each other (as specific to claim 1); or the ribs having

a first and second end, projecting a first and second radial distance (as specific to claims 6 and 10); or the ribs having

a first and second portion, having a first and second radially extending height from said outer wall and a first and second tangential width (as specific to claim 16).

Japan'663 and Brucken are each cited disclosing the arrangement of providing a washing basket with ribs that have the first and second cross-section, portion, ends, radial distances and height as claimed (note that the ribs in Japan'663 and Brucken are tapered from a maximum height to the inner surface of the basket). It therefore would have been obvious to one having ordinary skill in the art to modify the ribs of Japan'085, to be as taught by either Japan'663 or Brucken, for the purpose of providing a greater turn-over of the clothes being washed. It is old and well known in the art to provide ribs of varying shapes and sizes for enhancement of the massaging/scrubbing washing effect of the articles being washed. Re claim 2, Japan'-085 discloses the ribs extending substantially vertically. Re claims 4 and 18, Japan'085 discloses the first portion being substantially rectangular as claimed. Re claim 5, 7, 8, 17 and 20, to have the ribs extending the length as claimed, is consider to be a mere change in the size of the ribs

as taught by the applied prior art (see MPEP 2144.04, IV CHANGES IN SIZE, SHAPE, OR SEQUENCE OF ADDING INGREDIENTS). Re claims 9, 11, 12 and 15, Brucken discloses the varying width or flared/triangular shape. Re claim 14, Japan'663 discloses the band being flush with the outer surface of the outer wall.

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Ikeda, Welling, Fukuzawa, Japan'679, Japan'300, Stokes, and Tortia, note the ribs and/or support bands.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

A handwritten signature in black ink, appearing to read "F. L. Stinson".

FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746